

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT N. COGAR, et al.,)	CASE NO. 5:06CV2053
)	
Plaintiffs,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>ORDER</u>
HOLMES COUNTY, OHIO, et al.)	[RESOLVING DOC. 3]
)	
Defendants.)	

The within matter came on for hearing upon plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 3).

After notice to the parties, the Court held a hearing on the motion. The Court has reviewed the Complaint (Doc. 1), memorandum in support, memorandum in opposition of the Judicial Defendants (Doc. 10), memorandum in opposition of the Holmes County Defendants (Doc. 12), reply memorandum (Doc. 14), and notice of supplemental authority of the Judicial Defendants (Doc. 15); and has considered the oral arguments of plaintiff Robert N. Cogar and counsel.

Four factors are important in determining whether a temporary restraining order/preliminary injunction is appropriate: (1) the likelihood of the plaintiffs' success on the merits; (2) whether the injunction will save the plaintiffs from irreparable injury; (3) whether the injunction would harm others; and (4) whether the public interest would be served by the injunction. *In re DeLorean Motor Co.*, 755 F.2d 1223, 1228 (6th Cir. 1985). The test is a flexible one and the factors are not prerequisites to be met, but must be balanced. *Id.* at 1229. In balancing the four considerations applicable to temporary restraining order/preliminary injunction decisions, the Court holds that equitable relief is not appropriate.

For the reasons indicated on the record at the hearing, plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 3) is DENIED.

Absent a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiffs shall serve and file a memorandum in opposition to the Motions to Dismiss of the Judicial Defendants (Doc. 9) and the Holmes County Defendants (Doc. 16) on or before **October 19, 2006**.

IT IS SO ORDERED.

October 6, 2006
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge